

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY CARACAS PRIORITY

UNCLAS STATE 091443

E.O. 11652: N/A

TAGS:BEXP, VE

SUBJECT: NEGOTIATIONS FOR EXHIBITION SITE

REFERENCE: STATE 084093, LYNCH/MILLS TELCON APRIL 9

1. PER OUR TELCON ITEMS DISCUSSED BELOW ARE ADDITIONAL
CONSIDERATIONS TO THOSE IN REFTEL. COMMERCE HAS NO LEGAL
IMPEDIMENT TO ENTERING INTO AGREEMENT WITH CITY OF CARACAS
ON THE FOLLOWING BASIS:

A. COMMERCE WILL ERECT DEMOUNTABLE EXHIBITION FACILITY FOR
USE USG AND CITY OF CARACAS AND WILL TRANSFER SAME TO CITY
OF CARACAS IN CONSIDERATION OF RENT FREE EXHIBITION SPACE
FOR USG.

B. BUILDING WILL PROVIDE 10,000 SQUARE FEET OF EXHIBIT
AREA, OFFICES, STORAGE, WCS, LOUNGE, KITCHEN, REGISTRATION
AREA. INCLUDED ARE FINISHED BUILDING, INTERIOR AND
EXTERIOR, FACADE, LANDSCAPING, FENCES, WALKWAYS, LIGHTING,
WATER, SEWAGE, AIR CONDITIONING, INTERIOR PARTITIONS,
CARPETING. ESTIMATED COST \$350,000.

C. COMMERCE WILL HAVE EXCLUSIVE RENT FREE USE OF LAND AND
BUILDING FOR ONE YEAR, FROM TIME OF OPENING (ANTICIPATED IN
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SEPT. 1976); THE SECOND YEAR 3 SIX WEEK PERIODS; THE THIRD

THROUGH TENTH YEAR TWO SIX WEEK PERIOD ANNUALLY AND TRANSFER BUILDING TO MUNICIPALITY AT END OF YEAR. IF COMPROMISE NECESSARY, WE COULD SETTLE FOR EXCLUSIVE USE FIRST YEAR, AND TWO FOUR WEEK PERIODS ANNUALLY, SECOND THROUGH EIGHTH YEAR, AND AT END OF EIGHTH YEAR, TRANSFER BUILDING TO CITY OF CARACAS.

D. USG WILL BE RESPONSIBLE FOR ALL UTILITY BILLS FOR PERIODS IN WHICH IT HAS OCCUPANCY AND CITY OF CARACAS WILL BE RESPONSIBLE FOR ALL UTILITY BILLS FOR PERIODS IN WHICH CITY OF CARACAS HAS OCCUPANCY

E. HAVE QUESTION OF LIABILITY TO THIRD PERSONS. WE PROPOSE IN EVENT OF ACCIDENT, INJURED PARTY WOULD HAVE RECOURSE TO US IF ACCIDENT OCCURRED DURING OUR OCCUPANCY OF BUILDING, TO CITY GOVERNMENT IF IT OCCURRED DURING ITS OCCUPANCY.

F. EACH PARTY AGREES TO CLEAN AND MAINTAIN BUILDING AND GROUNDS DURING HIS PERIOD OF OCCUPANCY AND TO TURN OVER SAME TO OTHER PARTY IN SAME CONDITION IN WHICH RECEIVED.

G. BOTH PARTIES WILL MEET ON MAY 12 EACH YEAR TO SELECT OCCUPANCY PERIODS FOR THE FOLLOWING YEAR WITH THE U.S. HAVING FIRST OPTION OF OCCUPANCY PERIODS.

H. DISPUTES. SUGGEST POST USE ITS STANDARD DISPUTES CLAUSE OR OTHER LANGUAGE WHICH WOULD BE MUTUALLY ACCEPTABLE.

I. WE PROPOSE THAT USG NOT BE SUBJECT TO ANY TAXES OR ASSESSMENTS IN CONNECTION WITH THIS LAND AND BUILDING.

J. DOES EMBASSY HAVE ANY OTHER FACTORS WHICH SHOULD BE CONSIDERED FOR AGREEMENT?

2. COMMERCE DESIRES SECURE LETTER EXPRESSING AGREEMENT ON BASIC PROVISIONS ASAP. THIS WILL BE FOLLOWED BY MORE COMPLETE DOCUMENT OF AGREEMENT WITH WHICH BOTH USG AND CITY OF CARACAS ARE COMFORTABLE AND THROUGH WHICH BOTH ARE PROTECTED. KISSINGER

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